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Sub-Chapter V Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

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| In Re: Choates G. Contracting, LLC, Debtor. | Camden Vicinage Chapter 11 Case No.: 21-13085 Hon. Andrew B. Altenburg, Jr. |
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**CHAPTER 11, SUBCHAPTER V TRUSTEE'S
CERTIFICATION OF DEFAULT**

I, Douglas S. Stanger, hereby certify:

1. A petition under Chapter 11 of the Bankruptcy Code was filed by the debtor on April 15, 2021.
2. I was appointed as Subchapter V Trustee by the Court on April 20, 2021, with regard to the above captioned proceeding (See Exhibit A).
3. Debtor's Non-Consensual Plan was confirmed by Order entered on December 22, 2021 (Doc 118).
4. On February 21, 2023, Debtor filed a Motion to Modify Confirmed Chapter 11 Plan.
5. An Order (the "Order") confirming the Chapter 11, Sub-Chapter V Debtor's First Post-Confirmation Modified Plan of Reorganization was entered on June 8, 2023.

6. Pursuant to paragraph 6 of the Order, a \$20,000.00 payment under the Modified Plan was to be made “within ten (10) days of confirmation of the Modified Plan of Reorganization.”

7. As of the date of the filing of this Certification of Default, the payment is over thirty (30) days past due.

8. The Debtor has not performed as ordered by the Court.

9. Under the Modified Plan of Reorganization (Doc 240) filed on March 30, 2023, paragraph 2.6(i.) specifically states that the Debtor is in default of their Chapter 11 Plan Obligations if the Debtor fails to “Make all Chapter 11 Plan Payments to the Sub-V Trustee when due.”

10. The Modified Plan of Reorganization (“Plan”) also sets forth that upon an event of default, in part, “the Sub-V Trustee . . . may file a certification of default with respect to the Plan with the Court.” *Par. 2.6 of Plan.*

11. Based upon the provisions of the Plan, “the Debtor shall have an opportunity to respond and either cure the default prior to the date of a hearing on such certification of default, or have an opportunity to cure if so permitted by the Court at the hearing on the certification of default.” *Par. 2.6 of Plan.*

12. I make this Certification in support of the scheduling of a hearing for a determination of material default with the intent to, at that time, recommend the matter be converted to a Chapter 7 proceeding.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 14, 2023

/s/ Douglas S. Stanger
DOUGLAS S. STANGER